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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/834,946	04/16/2001	Isao Hirose	Q63660	5342

7590

08/26/2002

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Washington, DC 20037

EXAMINER

NGUYEN, JIMMY T

ART UNIT

PAPER NUMBER

3725

DATE MAILED: 08/26/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

S.M.

# Office Action Summary

Application No.

09/834,946

Applicant(s)

HIROSE ET AL.

Examiner

Jimmy T Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on August 2, 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 16 April 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413) Paper No(s) \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 2, 4, 6 and 8 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The claims are functionally indefinite in that there is no structure recited for performing a heating step as suggested by claims 2 and 6 and there is no vibrating means recited to perform the vibrating step as suggested by claims 4 and 8. Additionally, the speculative terminology "able to be" in line 2 of claims 2 and 4 is indefinite because anything can be said to be "able to be heated" or "able to be vibrated".

### ***Claim Rejections - 35 USC § 102***

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

Claims 1, 3, 5, 7 and 9 are rejected under 35 U.S.C. 102(b) as being anticipated by Masayuki et al. (JP363158156A). Masayuki discloses a set of calender rollers comprising; at least three rollers (see figure 1) for rolling a pressure-sensitive adhesive plastic material (7) into a plastic material sheet (5) and for laminating the plastic material sheet onto a base material sheet (6) at a nip portion (between a pair of nip rollers 4 and 12) to be formed into a laminated plastic material sheet (A); a holding roller (4) for holding the plastic material sheet; a release member,

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which is a doctor knife (14), is arranged behind the nip portion (see figure 1), for releasing the laminating plastic material sheet from the holding roller.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Masayuki et al.. Masayuki does not disclose the pressure-sensitive adhesive is a rubber-based pressure-sensitive adhesive. However, it is a matter of design choice to select a rubber-based adhesive from all the available adhesives and one skilled in the art at the time of the invention would make a choice dependent on the material that is bonded and the environment it will be utilized.

Claims 2 and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Masayuki, in view of Borgstrom (USPN 6,325,878). Masayuki discloses the release member. Masayuki does not disclose the release member is heated. However, Borgstrom teaches a release member (15) that is heated to a temperature at 50 degree or more (see column 9, lines 40-48) to release a gluing material off an applicator roller (11). It would have been obvious to one having ordinary skill in the art the time the invention was made to provide Masayuki's device with the heated releasing member as taught by Borgstrom to improve the releasing of the material off the applicator roller.

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Claims 4 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Masayuki et al., in view of Gerhardt (USPN 5,601,868). Masayuki discloses the doctor knife. Masayuki does not disclose the doctor knife is vibrated. However, Gerhardt, in a relate laminating art, teaches an oscillating doctor knife (1) that is vibrated by a pressure controlled actuator (14) to remove any deposit off a roller (2) (column 2, line 40 – column 3, line 35). It would have been obvious to one having ordinary skilled in the art the time the invention was made to provide Masayuki's doctor knife with a vibrating device as taught by Gerhardt to improve the elimination of streak causing deposits between the doctor knife and the sheet (column 1, lines 44-47).

### *Conclusion*

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Bedell et al (USPN 4,644,999) discloses a similar laminating method to the instant invention. Sobota (USPN 4,016,030) discloses similar plastic releasing art. Steven (USPN 5,826,296) discloses a vibrating doctor blade.

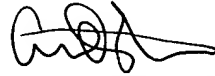
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jimmy T Nguyen whose telephone number is (703) 305-5304. The examiner can normally be reached on Mon-Thur 8:00am - 6:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Allen Ostrager can be reached on (703) 308-3136. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 305-3579 for regular communications and (703) 305-3579 for After Final communications.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1148.

JTNguyen  
August 15, 2002



**ALLEN OSTRAGER**  
**SUPERVISORY PATENT EXAMINER**  
**TECHNOLOGY CENTER 3700**